

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ARISE FOR SOCIAL JUSTICE; ¿OISTE?;
NEW ENGLAND STATE-AREA
CONFERENCE OF THE NAACP; REV.
TALBERT W. SWAN, II; NORMAN W.
OLIVER, DARLENE ANDERSON,
GUMERSINDO GOMEZ; FRANK BUNTIN;
RAFAEL RODRIQUEZ; and DIANA NURSE,

Plaintiffs,

v.

CITY OF SPRINGFIELD and SPRINGFIELD
ELECTION COMMISSION,

Defendants.

Civil Action No. 05-30080 MAP

AFFIDAVIT OF GUMERSINDO GOMEZ

I, Gumersindo Gomez, hereby certify as follows:

- 1) I am a Hispanic citizen of the United States and I am registered to vote in Springfield, Massachusetts. I have personal knowledge of the facts stated in this Affidavit.
- 2) I have been a resident of Springfield since July 31, 1986. I have always lived in Ward 1 in the North End neighborhood, which is a predominantly Hispanic neighborhood. Since September 1988, I have lived at 46 Laurel Street and voted at the Ward 1-B polling location. Before that, I lived at 1495 Dwight Street.
- 3) I consider myself to be a leader in Springfield's Hispanic community. I am actively involved with several civic organizations that serve the needs of Springfield's Hispanic community. I currently serve as the Western Regional Director for ¿OISTE? and as the

Executive Director of the Puerto Rican Veterans Association of Massachusetts. I am active in Vietnam Veterans of America (VVA), Massachusetts, serving that organization as Vice President of the West and as Chair of the VVA State Council Minority Committee. I also am the President of Hogar Crea, which is a drug and alcohol rehabilitation program based at 247 Pine Street in Springfield. I am knowledgeable about issues that affect Springfield's Hispanic community.

4) Many Ward 1 residents do not read or speak English fluently.

5) In 1997, I ran for City Council. I came in first place in Ward 1 by over 100 votes.

6) Even though I finished first in Ward 1, I was not elected because I finished 16th out of 18 candidates in the at-large election.

7) If Springfield used wards to elect City Council members, I would have been elected to the City Council in 1997. The at-large system makes it more difficult for Hispanic candidates to win as compared to white candidates, because most white voters in Springfield will not vote for Hispanic candidates, and because poverty in the Hispanic community makes it more difficult for Hispanic candidates to raise enough money to run successful at-large campaigns.

8) I have not run for public office since 1997. After my experience in that campaign, I do not believe that I have an equal opportunity to compete on equal terms with white candidates under the at-large system. I believe that the at-large system has also discouraged many other Hispanics from running for election to the City Council and the School Committee.

9) For many years, Springfield failed to provide bilingual training for poll workers. Although Springfield has just recently begun to conduct such training, training is not adequate. For example, poll workers are not properly trained to inform voters who are not fluent in English of their right to cast provisional ballots. I know of several instances in which non-English

speaking voters were not told that they could cast provisional ballots. Instead, they were told that they could not vote at all.

10) Ward 1 voters who are not fluent in English are treated by poll workers in a way that discourages them from voting.

11) In the past, the City has assigned non-bilingual poll workers who live outside of Ward 1 to the Ward 1 polling places.

12) On those occasions when I have seen poll workers in Ward 1-B being unhelpful to Hispanic voters, more often than not, those poll workers were not Hispanic, nor were they residents of Ward 1.

13) For example, Spanish-speaking voters have come to me for help after they were turned away from the polls by non-bilingual poll workers. The non-bilingual poll workers had told them that they were not listed on the voter rolls, but had not told them that they could submit provisional ballots.

14) I have heard non-bilingual poll workers use a tone of voice with Spanish-speaking voters that is very discouraging. When Spanish-speaking voters have asked me for my help, and I have tried to talk with non-bilingual poll workers on these voters' behalf, the poll workers have used a discouraging tone of voice with me as well.

15) On one occasion in the early 1990s, I learned that a white poll worker had said to a Spanish-speaking voter words to the effect of "Well, if you can't speak the language, what are you doing here voting anyhow."

16) To my knowledge, prior to the November 2004 election the city never provided Spanish-language training for poll workers who were not fluent in English.

17) In April 2004, I became the President of the Democratic Committee for Ward 1. As President, I am involved in the selection of the Ward 1 poll workers.

18) In the fall of 2004, on the Thursday before the election, the Election Commission notified me that a number of Ward 1 voters who were not fluent in English would not be allowed to serve as poll workers.

19) I went to the Election Commission office to ask why these people could not serve as poll workers. The person working at the Election Commission office told me that the non-English speakers could not serve as poll workers because they had not attended a training session.

20) The reason why these people had not attended a poll worker training session was that the city never offered any training sessions in Spanish.

21) After I insisted, and after Representative Cheryl Rivera intervened, the Election Commission held a bilingual training session for Ward 1 poll workers on the Saturday before the general election. I attended the training session. I estimate that there were about twenty people present. To my knowledge, this was the first time that the Election Commission ever had a bilingual or Spanish-language training session in Springfield.

22) I believe **that**, if I had not insisted and if Representative Rivera had not intervened, the Election Commission never would have held the bilingual training session, and the city would not have permitted non-English speaking residents of Ward 1 to serve as poll workers.

23) The Puerto Rican Veterans Association assists all veterans regardless of race or ethnicity. I estimate that approximately 70% of our clients are white, 25% are African

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American, and **5%** are Hispanic, Some of **the** issues we **help** with are housing, **employment**, hunger, and Veterans Administration **claims**.

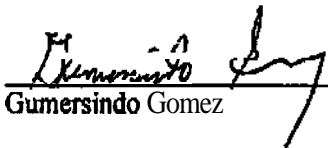
24) Many of the Hispanic and African-American veterans who come to the Puerto Rican Veterans Association face similar problems. Most clients who need help finding housing and **employment**, but do not have a history of **substance** abuse, are **either** African American or Hispanic. Most of the white **veterans** who come to us need **help** filing their claims with the **Veterans** Administration.

25) I believe that the City Council and School Committee are unresponsive to the concerns of **citizens** in Ward 1.

26) In my **experience**, it is very unusual for members of the City Council and **School** Committee to visit the North End outside of the campaign season.

27) **Street paving, sidewalk** repairs, trash **collection**, and snow plowing are inadequate **in** Ward 1 and are worse in Ward 1 than in **other** parts of the city.

Signed under penalties of perjury, this **14** day of July, 2005.


Gumersindo Gomez

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